

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in compliance for allowance. The present amendment is made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 44-50, 53, 58-63 and 65-68 are pending in this application. Claims 51, 52, 54-57 and 64 have been canceled without prejudice or disclaimer of subject matter. Claims 44, 49, 50, 53, and 58-63 and 65-68 are independent, and hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically on page 18-19. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 44-52 and 62-64 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in view of U.S. Patent No. 5,892,894 to Shiroshita et al. (hereinafter, merely "Shiroshita").

Claims 53-57 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Shiroshita and further in view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely “Eyer”).

Claims 58-61 and 65-68 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. (hereinafter, merely “Ozkan”) in view of Eyer in view of Matsuzaki and further in view of Shiroshita.

Claim 44 recites, *inter alia*:

“...wherein the information receiving apparatus reads contents of a program information data of a current program and a next program at a re-transmission cycle of the program information data of the current program and the next program, and recognizes a transmission status of the program information data indicating whether the program information data is being transmitted...”  
(Emphasis added)

Applicants submit that neither Matsuzaki nor Shiroshita, taken alone or in combination, teaches or suggests the above discussed feature of claim 44. Specifically, neither of the cited references teaches or suggests the information receiving apparatus recognizes a transmission status of the program information data indicating whether the program information data is being transmitted, as recited in claim 44.

Specifically, the Office Action asserts that Matsuzaki describes for multiplexing the program information data according to information which specifies optimal transmission of the media, therefore recognizing a transmission status required for proper transmission of the media to the receiving apparatus, and refers to Matsuzaki, col. 5, lines 31-45. However, Applicants submit that in Matsuzaki, priority is decided based on the previously decided order according to the contents including a type of media, an information-source encoding system,

contents of a broadcast program, a mode of broadcast or some other condition (See, Matsuzaki, col. 5, lines 14-25).

Thus, **in Matsuzaki the priority is not based on the transmission status of the program information data indicating whether the program information data is being transmitted.** In the present invention, as shown in Fig. 4, a status flag in the transmission status indicates that the information transmitting apparatus is transmitting schedule EPG data indicating the corresponding program broadcast schedule if it has a value "1", and indicates the information transmitting apparatus is not doing so if it has a value "0" (See, Specification, page 18-19).

Thus, **in the present invention, the transmission the information receiving apparatus recognizes whether the program information data is being transmitted.** Nothing has been found in Matsuzaki that teaches the information receiving apparatus recognizes a transmission status of the program information data indicating whether the program information data is being transmitted, as recited in claim 44.

Furthermore, this deficiency of Matsuzaki is not cured by the supplemental teaching of Shiroshita.

Therefore, Applicants respectfully submit that claim 44 is patentable.

For reasons similar to those described above with regard to independent claim 44, independent claims 49, 50, 53, and 58-63 and 65-68 are patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is

also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

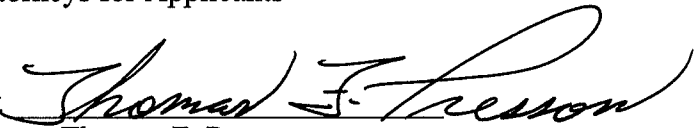
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portions of the reference, or references, providing the basis for a contrary view.

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Respectfully submitted,

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